

STAFF REPORT

For Meeting of Dec. 28, 2015

MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2015-

SUBJECT:

ConnectOregon IGA
Amentment

Subject

This item is a small amendment to an existing Intergovernmental Agreement (IGA) with ODOT regarding the city's *ConnectOregon V* grant for realigning the airport taxiway. The changes will make a less than 1% adjustment to the total estimated project cost, and revise the anticipated completion date.

Summary and Background

The City was awarded a \$300,000 *ConnectOregon V* grant in 2014 to act as match against two FAA grants to realign the taxiway at the airport. The "Project Cost" portion of the original IGA of \$2,944,444 was based on a planning estimate, but after construction bids were opened, the actual project cost has risen to \$2,969,000. The change to this number has no impact on the amount to be received from *ConnectOregon*, which will still be \$300,000. The remainder is covered by an FAA "Discretionary Grant."

The original IGA also included a completion date of November, 2015. Due to delays by the FAA, the project was broken in to two phases, with the second phase now scheduled for completion by June, 2016. This amendment corrects that discrepancy.

Fiscal Information

These amendments will have no fiscal impact to the City of Hermiston.

Alternatives and Recommendation

Alternatives

1. Approve IGA Amendment
2. Amend IGA Amendment

Recommendation

This is largely a house-keeping issue to ensure that the IGA reflects several changes. Approve IGA Amendment.

Requested Action/Motion

Motion to approve

Department Head- Mark Morgan, Assistant City Manager

City Manager Approval- Byron Smith, City Manager



City of Hermiston

**AMENDMENT NUMBER 01
GRANT AGREEMENT
CONNECTOREGON V
OREGON DEPARTMENT OF TRANSPORTATION
MULTIMODAL TRANSPORTATION FUND PROGRAM 2015
Project Name: Airport Taxiway Realignment and Rehabilitation
City of Hermiston**

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and **City of Hermiston**, acting by and through its elected officials, hereinafter referred to as "Recipient," entered into an Agreement on September 15, 2014.

It has now been determined by State and Recipient that the Agreement referenced above shall be amended to extend time and update funding.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.

2. **Amendment to Agreement.** The Agreement is amended as follows:

a. **Project Cost; Grant Funds; Match, Paragraph 3, Page 1, which reads:**

3. **Project Cost; Grant Funds; Match.** The total Project Cost is estimated at \$2,944,444. In accordance with the terms and conditions of this Agreement, ODOT shall provide Recipient Grant Funds in an amount not to exceed \$300,000 or eighty (80) percent of the total eligible Project Costs, whichever is less, of eligible Project Costs described in Section 6 hereof. Recipient shall provide matching funds for all Project Costs as described in Exhibit A. ODOT will withhold five (5) percent of the Grant Funds to be distributed as provided in Section 6.c.

Shall be deleted in its entirety and replaced with the following:

3. **Project Cost; Grant Funds; Match.** The total Project Cost is estimated at \$2,969,000. In accordance with the terms and conditions of this Agreement, ODOT shall provide Recipient Grant Funds in an amount not to exceed \$300,000.00 or eighty (80) percent of the total eligible Project Costs, whichever is less, of eligible Project Costs described in Section 6 hereof. Recipient shall provide matching funds for all Project Costs as described in Exhibit A. ODOT will withhold five (5) percent of the Grant Funds to be distributed as provided in Section 6.c.

b. **Exhibit A shall be deleted in its entirety and replaced with the attached Revised Exhibit A. All references to "Exhibit A" shall hereinafter be referred to as "Revised Exhibit A."**

4. **Counterparts**. This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
 5. **Original Agreement**. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Recipient certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.
- THE PARTIES**, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The Oregon Transportation Commission at its August 2014 meeting approved the *ConnectOregon V* project application list and delegated authority to the Director of the Oregon Transportation to enter into project agreements.

Signature Page to Follow

CITY OF HERMISTON, by and through
its elected officials

By _____
(Legally designated representative)

Name _____
(printed)

Date _____

By _____

Name _____
(printed)

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**
(If required in Recipient process)

By _____
Recipients Legal Counsel

Date _____

Recipient Contact:
Mark Morgan, Assistant City Manager
City of Hermiston
180 NE 2nd Street
Hermiston OR 97838
Phone: 541-667-5003
mmorgan@hermiston.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Director

Date _____

APPROVAL RECOMMENDED

By: _____
Freight Planning Program Manager

Date: _____

By _____
Active Transportation Section Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By, _____
Assistant Attorney General, by email dated:

ODOT Contact:
Marie Wright, *ConnectOregon* Program
Manager
ODOT – Active Transportation Section
555 13th Street NE
Salem, OR 97301
Phone: 503 986-3327
Marie.a.wright@odot.state.or.us

REVISED EXHIBIT A
Project Description, Key Milestones, Schedule and Budget
Agreement No. 30154
Application Number: 5A0251

Project Name: Airport Taxiway Realignment and Rehabilitation

A. PROJECT DESCRIPTION

The Project realigns the parallel taxiway (40' wide by 4,500' long) at Hermiston Municipal Airport in Hermiston, Oregon to meet FAA runway/taxiway safety standards and includes associated improvements.

B. PROJECT KEY MILESTONES AND SCHEDULE

Project has six (6) Key Milestone(s). Key Milestones are used for evaluating performance on Project and determining level of compensation for completed work as described in the Agreement. Key Milestones cannot be changed without an amendment to the Agreement. Recipient may shift the estimated Grant Funds shown below between milestones without an amendment to the Agreement, but shall not, under any circumstances, exceed the "Total Not To Exceed Grant Fund Allocation." Recipient shall report changes to the Estimated Amounts corresponding to each Key Milestones, shown below, in Recipient's Monthly Report to the ODOT Project Liaison.

If Recipient anticipates Project Key Milestones will be delayed by more than ninety (90) days, Recipient shall submit a Request for Change Order, as described in Section 4(b) of the Agreement, to the ODOT Project Liaison as soon as Recipient becomes aware of any possible delay. The Request for Change Order must be submitted prior to the Key Milestone completion date shown in this Exhibit.

The anticipated start date of Project is: 10/31/2014

The estimated completion date of Project is: **5/30/2016**

Table 1: Key Milestones

Key Milestone	Description	Estimated Due Date
1	Scoping and planning	1/30/2015
2	Right of way and land acquisition	N/A
3	Permits	7/30/15
4	Final plans/bidding engineering documents	6/31/2015
5	Construction contract award	8/31/2015
6	Project completion	5/30/2016

Table 2 – Funding Breakdown

A	Total Not To Exceed Grant Fund Allocation	\$300,000	
B	ConnectOregon V twenty (20) percent required match	\$75,000	
C	ConnectOregon V Total		\$375,000
D	Other Funds In Addition to twenty (20) percent Required Match	\$2,594,000	
E	Total Project Funding		\$2,969,000